

Application No. 10/676,370

Reply to Office Action

REMARKS

Applicant has carefully reviewed and considered the Office Action dated February 3, 2011, and the references applied therein. In response, applicant has canceled, without prejudice, claim 82; amended claims 70 and 83; and added new claims 85-91 to further define the invention. It is respectfully submitted that no new matter has been added by way of these amendments. Applicant believes that the application is in condition for allowance. Accordingly, favorable reconsideration in light of the following remarks is respectfully requested.

With respect to amended claim 70, it is respectfully submitted that the applied references fail to render claim 70 unpatentable. Without acquiescing in any way that the proposed combination is appropriate or is one that would commend itself to one skilled in the art, the proposed combination of McLeod, Fletcher, and Ghosh fails to teach, suggest, or otherwise render obvious a computer-implemented method having the combination of steps and features recited in amended claim 70. For example, the proposed combination fails to render obvious a computer-implemented method including the steps of:

accepting, at a server, a submission of applicant insurance data for placement of a surplus lines insurance policy transmitted by an insurance producer operating in a jurisdiction and not being licensed in the jurisdiction to broker insurance policies of the type specified by the submission;

identifying, by the server ..., at least one broker [so] licensed in the jurisdiction ...;

notifying at least one identified broker about the submission;

permitting at least one identified broker access, through the server, to the submission; [and]

receiving, at the server, an acceptance of the submission for the surplus lines insurance policy from one identified broker;

determining, by the server, whether the submission satisfies a set of guidelines;

if the submission satisfies the set of guidelines, generating a quotation, by the server, for the surplus lines insurance policy in the submission from an insurance company.

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The foregoing steps of amended claim 70 are directed to a computer-implemented method for an insurance producer who is not licensed in a jurisdiction to broker surplus lines insurance policies of the type specified by the submission to obtain a quotation from a broker who is licensed in the jurisdiction of interest to place such a policy. The proposed combination fails to teach or suggest such a method.

The MPEP instructs, "All words in a claim must be considered in judging the patentability of that claim against the prior art." MPEP § 2143.03, 8th Ed., Rev. 8, July 2010 (citation omitted). Furthermore, as set forth in the MPEP, when evaluating the differences between features of a claim and the prior art, "the question under 35 U.S.C. 103 is not whether the differences *themselves* would have been obvious, but whether the claimed invention *as a whole* would have been obvious." MPEP § 2141.02(I), 8th Ed., Rev. 8, July 2010 (citation omitted) (emphasis in original). When all of the words in the claim are considered, the applied references do not render unpatentable a computer-implemented method having all of the steps and features of amended claim 70.

Applicant respectfully submits that one skilled in the art at the time of the invention would not find it obvious to modify McLeod with Fletcher and Ghosh to arrive at the method of amended claim 70. Indeed, it is only through the use of improper hindsight knowledge of the present invention that the applied references would be combined at all.

McLeod is directed to "a virtual marketplace allowing small and medium-sized agents to place specialty property/casualty coverages with surplus lines insurers." McLeod, Abstract. In the McLeod method, "[o]nce registered, agents will be able to access the site and submit specialty risks ... for quotations by participating insurers." *Id.* at p. 2. "After [the website] identifies the insurers willing to write a particular risk, an agent can select the companies he or she would like quotes from." *Id.*

McLeod, therefore, is primarily concerned with linking licensed brokers with insurers willing to insure a particular type of surplus lines insurance policy. Thus, as an initial matter, the McLeod method does not contemplate any computer-implemented interaction between an *insurance producer* and a *broker*, much less a computer-implemented step relating to a broker

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licensed in a jurisdiction accepting a submission for a surplus lines insurance policy from an insurance producer that is not licensed in the jurisdiction as recited in amended claim 70.

In the case where a broker does not have the proper surplus lines license, the McLeod method prohibits the access of the unlicensed broker to the surplus lines insurers through the website. McLeod, p. 2 (“Agents will need to hold surplus lines licenses to access surplus lines insurers through [the website].”). Instead, in McLeod, “An agent without such a license can have his or her submissions referred through surplus lines-licensed intermediaries registered with the site.” *Id.* McLeod is silent as to what steps are performed in order to establish that relationship.

Indeed, the McLeod method teaches away from the method of amended claim 70 by emphasizing that the unlicensed broker is not allowed access through its website to the surplus lines insurers. Under such circumstances, the McLeod method requires the unlicensed broker to refer the request to a broker that is properly licensed and to have the licensed broker interact with the website to obtain a quotation.

Even if McLeod is viewed as permitting a broker with a surplus lines license in one jurisdiction to have access to the iwix.net site as suggested in the Office Action, page 4, McLeod still does not teach or suggest providing a computer-implemented method of any sort for the interaction between the unlicensed broker and the licensed broker. McLeod discloses only using the site to communicate between an agent and one or more insurers. Indeed, McLeod emphasizes that the site is intended to provide a “direct channel” between an insurer and an agent. McLeod, p. 2. Accordingly, McLeod fails to teach or suggest a computer-implemented method including steps of: identifying, by the server ..., at least one broker [so] licensed in the jurisdiction ...; notifying at least one identified broker about the submission; permitting at least one identified broker access, through the server, to the submission; [and] receiving, at the server, an acceptance of the submission for the insurance policy from one identified broker.

Furthermore, McLeod fails to teach or suggest a computer-implemented method that includes the steps of determining, by the server, whether the submission satisfies a set of guidelines; and if the submission satisfies the set of guidelines, generating a quotation, by the

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server, for the insurance policy in the submission from an insurance company. In McLeod, "The system will e-mail the insurers a link to the site for viewing the submission, and quotes will be delivered to the agent, through the site, via e-mail." McLeod, p. 2. The McLeod iwix.net platform does not determine whether the submission satisfies a set of guidelines, and, if so, generate a quotation, as recited in amended claim 70. Rather, the McLeod iwix.net platform merely serves as a conduit for email messages from the insurer to the agent.

Fletcher and Ghosh fail to cure the deficiencies of McLeod. Neither Fletcher nor Ghosh, either alone or in combination, discloses or suggests a computer-implemented method that includes the recited steps which allow a broker licensed in a jurisdiction to accept a submission for a surplus lines insurance policy from an insurance producer that is not licensed in the jurisdiction or the recited steps which generate, by the server, a quotation for the surplus lines insurance policy. Applicant notes that the applied references do not otherwise provide a credible reason for one of ordinary skill in the art to modify the McLeod method to provide the computer-implemented method of amended claim 70. "[R]ejections on obviousness grounds cannot be sustained by mere conclusory statements; instead, there must be some articulated reasoning with some rational underpinning to support the legal conclusion of obviousness." *KSR Int'l v. Teleflex Inc.*, 550 U.S. 398, 418, 82 U.S.P.Q.2d 1385, 1396 (2007) (quoting *In re Kahn*, 441 F.3d 977, 988 (Fed. Cir. 2006) (emphasis added)).

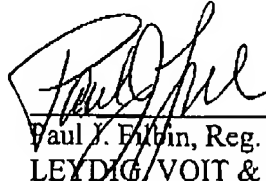
Claims 72-75, 77, and 79-81, and 83-91 all depend (either directly or indirectly) from claim 70. Accordingly, these dependent claims contain the same patentable features of claim 70. See MPEP § 2143.03 ("If an independent claim is nonobvious under 35 U.S.C. 103, then any claim depending therefrom is nonobvious.") (citing *In re Fine*, 837 F.2d 1071, 5 U.S.P.Q.2d 1596 (Fed. Cir. 1988)).

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Applicant respectfully submits that the patent application is in condition for allowance. If, in the opinion of the Examiner, a telephone conference would expedite the prosecution of the subject application, the Examiner is invited to call the undersigned attorney.

Respectfully submitted,



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